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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,741	09/22/2003	Bill H. Hilf	BOC9-2003-0020 (389)	1884
40987 7590 08/19/2009 Novak Druce + Quigg LLP CityPlace Tower, 525 Okeechobee Blvd. Fifteenth-Floor WEST PALM BEACH, FL 33401				
EXAMINER				
ANWARI, MACEEH				
ART UNIT		PAPER NUMBER		
2444				
MAIL DATE		DELIVERY MODE		
08/19/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/667,741

**Applicant(s)**

HILF ET AL.

**Examiner**

MACEEH ANWARI

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5-9, 23, 27-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-9, 23, 27-31 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to communications filed on 5/05/2009. **Claim(s) 1, 5-7, 23, 27-29, 33** have been amended. **Claim(s) 2-4, 10-22, 24-26, 32 and 34** have been canceled. No other claims have been amended, added, or canceled. Accordingly, **claim(s) 1, 5-9, 23, 27- 31and 33** are pending.

### *Response to Arguments*

2. Applicant's arguments filed 5/05/2009 have been fully considered but they are not persuasive. In substance the applicant argues that **Nachman** fails to disclose or suggest a method for sending real-time messages between viewers of a WWW page without the using a dedicated client program.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., using a dedicated client program) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, regarding applicant's argument that **Nachman** fails to disclose an interaction application the examiner respectfully disagrees. The examiner asserts that **Nachman's** disclosure of a link to a list of other currently logged on (or active) users watching/looking at the same web page does in fact constitute (read on) the limitations of a providing a user interface (i.e., the web page) of users with identified similarities (i.e., all viewing the same web page) and forming a user group (i.e., the active or logged on users) who want to engage in real time communication (i.e.,

currently logged on or active users, hence the web page displays a list of users who are on real time and enabling instant messaging between users **[par. 31]**) among other users.

The applicant claims broadly and the examiner reserves a right to interpret the claims broadly; furthermore the examiner believes that the applicant will benefit greatly by contacting the examiner to set up an interview to help resolve some of the inconsistencies and help advance prosecution on this case.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1- 10 & 23- 34** are rejected under 35 U.S.C. 102(b) as being anticipated by **Nachman et al.** (hereinafter **Nachman**) U.S. Publication No.: 2001/0027474 A1.

**Claim 1:** A computer-implemented method for facilitating real time communications among Internet users having similarities comprising the steps of:

monitoring a plurality of user sessions, each session being associated with a different user **(Abstract and par. 12- 13 & 44-45; specific users and user authentication)**;

retrieving session data associated with the currently active user sessions from a data store and evaluating the session data to identify at least one real-

time similarity among the user sessions (**Abstract and par. 2; real time communications, specific users and grouped users**) ;

responsive to said similarity identification, presenting a user interface in the user sessions having the identified similarity to prompt the users of the user sessions having the identified similarity to respond whether they want to engage in real time communication with other users of the user sessions having the identified similarity (**Par. 17 and 31; group services and forums and instant messaging among users**);

receiving a response from the users of the user sessions having the identified similarity and forming a user group for users who want to engage in real time communication (**Par. 17 and 31; group services and forums and instant messaging among users**); and

establishing a communication pathway among the user sessions of the user group and providing access to an interaction application to facilitate the users of the user group to engage in real time communication (**par. 14- 17 and 31; groups services and forums and instant messaging among users**).

**Claim 2:** wherein the facilitating step comprises the step of providing access to an interaction application for at least two of said plurality of user sessions responsive to said identified affinity (**Par. 14- 17; routing through WSM and forums**).

**Claim 5:** Wherein said step of establishing a communication pathway further comprises the step of opening at least one of a chat session, an instant

messaging session, a newsgroup, and a shared application (**Figure 1 and par. 5 & 17; Forums and instant messaging**).

**Claim 6:** Wherein said session data includes session cookies associated with said user sessions (**Par. 37; cookies and client information**).

**Claim 7:** Wherein said session data includes session objects associated with said user sessions (**Par. 37; cookies and client information**).

**Claim 8:** Wherein said session objects comprise at least one datum selected from the group consisting of a URL which has been accessed, an amount of time on-line, an item in a shopping cart, and a user identifier (**Figure 7; items 700 & 704**).

**Claim 9:** Wherein said user identifier comprises at least one of a postal code, an area code, a city, a county, a state, a province, a country and a continent (**Figure 7; items 700 & 704**).

As per **claims 23- 34** they all list substantially the same elements as those recited in **claims 1- 10** and are therefore rejected using the same rationale as applied to **claims 1- 10**.

**Examiner Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/Hassan Phillips/  
Primary Examiner, Art Unit 2451